

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Helen Woodward Animal Center
MUP 04-059, ER 96-08-023B**

July 2, 2008

I. Introduction

The proposed project is a Major Use Permit to re-build the Helen Woodward Animal Center (HWAC), a 14.1-acre property located on the northwest corner of San Dieguito Road and Calle del Nido within the San Dieguito community. The proposed project consists of a phased demolition, reconstruction, and renovation of the existing HWAC facility. The remaining, undeveloped land consists of a disturbed drainage channel and buffer area that is part of the San Dieguito River Valley. The property is surrounded by development to the north, south, east, and northwest with fields and agricultural row crops to the west and southwest.

The project is located at 6525 Calle del Nido in the San Dieguito Community Planning Area within the County of San Diego. The site is designated within Unincorporated Lands within the Metro Lakeside-Jamul Segment of the Multiple Species Conservation Program (MSCP) Subarea Plan.

Biological resources on the project site were evaluated within the Biological Resources Report prepared by Rocks Biological Consulting, dated April 2008. Habitats identified on the property include freshwater marsh, southern riparian scrub, buckwheat scrub, eucalyptus woodland, ornamental, disturbed and developed land. No sensitive plants or wildlife species, including MSCP narrow endemic species were observed on the property. To minimize project impacts the HWAC re-development project will be located within existing development areas. The disturbed drainage channel will be completely avoided and placed in a biological open space easement with an associated wetland buffer and a 30 to 50-foot Limited Building Zone (LBZ) as prescribed by the local Fire Department. In addition, fencing and signage will be placed between the development and LBZ to minimize indirect impacts. With these design elements and mitigation measures, adverse effects to potential sensitive species and their habitats will be avoided or reduced such that the project is consistent with MSCP goals.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing Onsite (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation	Proposed Open Space Onsite
Freshwater marsh	Tier I	0.30	0	1:1	0	0.3
Southern riparian scrub	Tier I	0.43	0	1:1	0	0.4
Buckwheat scrub	Tier II	0.10	0	1:1	0	0.1
Eucalyptus woodland	Tier IV	1.0	0.5	0	0	n/a
Ornamental	Tier IV	1.9	1.5	0	0	n/a

Disturbed land	Tier IV	0.9	0	0	0	n/a
Developed land	Tier IV	9.5	9.5	0	0	0
Total:	--	14.1	11.5	--	0	--

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Report (Rocks Biological Consulting, April 2008). The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The site is not within a Pre-Approved Mitigation Area (PAMA).

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The disturbed drainage channel onsite is surrounded by development and has been degraded by an existing berm with planted eucalyptus trees on the north bank and San Dieguito Road to the south. Stormwater runoff drains onto the property from two separate culverts and continues in a southwesterly direction offsite. The property is surrounded by development to the north, south, east, and northwest with fields and agricultural row crops to the west and southwest. The nearest PAMA lands are located approximately 0.5-mile northwest of the property. Therefore the land is not located within an area of high habitat value from the presence of sensitive species or contiguous habitat or designated PAMA lands.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The land is not part of a regional linkage/corridor because the disturbed channelized drainage onsite is completely developed upstream and disturbed downstream. In addition, the disturbed drainage channel possesses some biological viability as a Resource Protection Ordinance wetland and will be completely avoided and placed into open space.

iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.

According to the Habitat Evaluation Map the property is categorized as very high and agricultural. The area mapped as very high is actually existing development and the area categorized as agriculture is the disturbed drainage channel. Agricultural field crops are located southwest of the property. The disturbed drainage channel is affected by existing edge effects because it is completely developed upstream and disturbed downstream with development to the immediate north and south.

v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

The land is not within a block of diverse habitat greater than 500 acres because site is surrounded by development and the disturbed drainage channel onsite is completely developed upstream and disturbed downstream with development to the immediate north and south.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
 - b. Metavolcanic rock;**
 - c. Clay;**
 - d. Coastal sandstone**

The property is developed with the exception of a disturbed drainage channel that is located along the southern boundary of the property. The disturbed drainage channel does not support sensitive species and is developed upstream and disturbed downstream. The site is surrounded by development, and stormwater from upstream is conveyed onto the property, which results in a buildup of silt.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The open space proposed onsite for this project is solely for purposes of avoiding a sensitive resource. This open space is not considered a Biological Resource Core Area and therefore, is not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project does not propose impacts to any of the above resources or resource areas. BMO findings, including design criteria and Attachments G and H, are not applicable and have been deleted from this document.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The disturbed drainage channel will be completely avoided and placed in a biological open space easement with an associated wetland buffer and 30 to 50-foot Limited Building Zone (LBZ) as prescribed by the local Fire Department. In addition, fencing and signage will be placed between the development and LBZ to minimize indirect impacts. With these design elements and mitigation measures, adverse effects to potential sensitive species and their habitats will be avoided or reduced such that the project is consistent with MSCP goals.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The majority of the property is developed with a disturbed drainage channel located along the southern boundary. The proposed project footprint HWAC facility will be located within Tier IV habitat. The disturbed drainage channel will be completely avoided and placed in a biological open space easement with a wetland buffer and an associated 30 to 50-foot Limited Building Zone (LBZ) as prescribed by the local Fire Department. In addition, fencing and signage will be placed between the development and LBZ to minimize indirect impacts. With these design elements and mitigation measures, adverse effects to potential sensitive species and their habitats will be avoided or reduced such that the project is consistent with MSCP goals.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

All Tier I and Tier II habitat onsite (freshwater marsh, southern riparian, and buckwheat scrub) will not be impacted from project development, will be completely avoided and placed within an open space biological easement

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

The majority of the property is developed with a disturbed drainage channel located along the southern boundary. The proposed project footprint HWAC facility will be located within Tier IV habitat. The disturbed drainage channel will be completely

avoided and placed in a biological open space easement with a wetland buffer and an associated 30 to 50-foot Limited Building Zone (LBZ) as prescribed by the local Fire Department. In addition, fencing and signage will be placed between the development and LBZ to minimize indirect impacts.

5. The project provides for the development of the least sensitive habitat areas.

The majority of the property is developed with a disturbed drainage channel located along the southern boundary. The proposed project footprint HWAC facility will be located within Tier IV habitat.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

The majority of the property is developed with a disturbed drainage channel located along the southern boundary. The proposed project footprint HWAC facility will be located within Tier IV habitat. The disturbed drainage channel will be completely avoided and placed in a biological open space easement with a wetland buffer and an associated 30 to 50-foot Limited Building Zone (LBZ) as prescribed by the local Fire Department. In addition, fencing and signage will be placed between the development and LBZ to minimize indirect impacts.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The proposed project footprint will impact the existing development, ornamental, and eucalyptus vegetation, all Tier IV lands. The project will not be impacting native habitat categorized as Tier I and Tier II habitat. The site itself is relatively small for larger mammals and raptors to reside permanently. Wildlife that would be expected to travel across the property includes smaller species such as coyotes and ground squirrels that are adapted to residential neighborhoods.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

No critical or narrow endemic plant or wildlife species were detected on the site. Most sensitive species have a low potential to be present due to the degraded quality of the existing habitat of the site and surrounding residential properties to the north, south, east, and northwest.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The project site is not within an area of regional significance with regard to future preserve systems, habitat connectivity/linkages, or conservation of sensitive species and habitats because the subject property is located in Unincorporated Lands in the Metro-Lakeside Jamul Segment, is surrounded by residential properties to the north, south, east, and northwest and does not support significant population of plants or wildlife. The property is surrounded in all directions by unincorporated Lands in the Metro-Lakeside Jamul Segment of the MSCP. MSCP designated PAMA lands are approximately 0.5-mile northwest of the subject property which will not be affected by this discretionary permit. The proposed development footprint will remain in areas that have previously been degraded and all biologically sensitive habitats are to remain in perpetuity in a biological open space easement.

10. All projects that propose to count onsite preservation toward their mitigation responsibility must include provisions to reduce edge effects.

The project will not increase or reduce edge effects because the project footprint is virtually the same as the existing footprint. The disturbed drainage channel will remain in perpetuity and will be designated in an onsite biological open space easement.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not located in a BRCA and will completely avoid all native Tier I and II habitats, including the disturbed drainage channel. No sensitive species, including narrow/endemic plant or wildlife species were observed onsite.

Valerie Walsh, Department of Planning and Land Use
July 2, 2008

MSCP Designation For Helen Woodward Animal Center MUP 04-059, ER 96-08-023B

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